

REMARKS/ARGUMENTS

This Amendment and the following remarks are intended to fully respond to the Final Office Action dated August 31, 2004. In that Office Action, claims 2-14 were examined, and all claims were rejected. More specifically, claim 14 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement; claims 2-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Treyz et al. (USPN 6,587,835); and claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz in view of Wies et al. (USPN 6,125,385). Reconsideration of these objections and rejections, as they might apply to the original and amended claims in view of these remarks, is respectfully requested.

Claims 2, 6, and 9 have been amended. No claims have been canceled. Four new claims have been added.

Telephone Conference

Applicant thanks the Examiner for his time on Thursday, September 30, 2004, on which a telephone conference was held regarding this application. Accordingly, independent claims 2, 6, and 9 have been amended to include limitations from the specification, as suggested by the Examiner in the telephone conference and via the present Office Action.

Claim Rejections - 35 U.S.C. § 112

Claim 14 stands rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Examiner states that the specification “does not contain subject matter containing any software or hardware to implement stored profile including one or more assignments of a particular sound file to a particular event.” However, the specification already includes a detailed description of how profiles may be stored. Since the profiles of the present invention include, among other things, an assignment of a sound file (such as a .wav file) to a given system event, this limitation is well supported by the specification. Furthermore, even if this were not the case, methods for storing data are well known in the art, as agreed upon by the examiner (“selection of a sound file for an event can be easily stored for a user,” p. 4, item 7 of current Office Action). Applicant therefore respectfully requests that the rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 102

Claims 2-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Treyz et al. (USPN 6,587,835). Applicant respectfully traverses the Examiner's rejections under 35 U.S.C. § 102(e), on the grounds that Treyz does not anticipate the present invention because it does not disclose, explicitly or implicitly each and every limitation of the pending claims. More specifically, Treyz does not disclose "storing two or more profiles of notification events for each of one or more users in the memory of the small computer device," nor "a memory unit storing a plurality of profiles for each of one or more users, the profile relating notification events with notification types," nor selection of a profile based on the user's present environment, nor modulating notification aggressiveness based on said environment as defined by the profile.

As defined in the claims, embodiments of the present invention use "profiles" to control the way in which a notification is presented to the user. As a result, any one particular user must have a plurality of profiles. A particular profile is typically selected based on the current environment, and is used to define modes of varying notification aggressiveness. That is, the level of volume for the notification may change, the brightness of the light notification may change, and/or the amount of nature of the vibration may change. Each mode (e.g., work, meeting, lunch, home, etc.) can have a different set of notification behaviors for an event, such as a notification of a meeting. As a result, a user may be notified of an event, such as a meeting in many different ways, depending on the currently selected profile. Moreover, as in some claims, the profile may automatically change based on the user's environment, as defined by a calendar program, i.e., the calendar program may be used to drive profile (and thus, mode) selection, in place of manual control by the user.

Treyz does not use or define user profiles as in the present application, and in fact is focused on solving an entirely different problem. Treyz uses a filter to identify retail shopping events the user is to be notified of, and defines a single set of notification behavior settings for said events. Each user has a single shopping list and notification filter, and a plurality of such filters may exist inasmuch that a plurality of users may use the same device. Each event, however, has its own, single mapping to a notification type. What Treyz refers to as a "profile" consists of its filter and a single list of mappings to events, and selection of a "profile" is based purely upon whom the current user is. Treyz stores a calendar of events of which the user can be notified.

With these differences in mind it will become clear as discussed below how the claims differ from the Treyz reference.

Under 35 U.S.C. § 102, a reference must show or describe each and every element claimed in order to anticipate the claims. *Verdegaal Bros. V. Union Oil Co. of California* 814 F.2d 628 (Fed. Cir. 1987) (“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.”). Since Treyz does not disclose “storing two or more profiles of notification events for each of one or more users in the memory of the small computer device, wherein the notification events are associated with at least one notification type,” Treyz cannot, as a matter of law, anticipate claim 2.

Since claims 3-5 depend directly or indirectly from claim 2 such that those claims should also be allowed over Treyz, reconsideration is respectfully requested.

Likewise, Treyz does not disclose “storing two or more profiles of notification events for each of one or more users, wherein the notification events are associated with at least one notification type,” and so Treyz cannot, as a matter of law, anticipate claim 6. Since claims 7-8 depend directly or indirectly from claim 6 such that those claims should also be allowed over Treyz, reconsideration is respectfully requested.

Likewise, Treyz does not disclose “a memory unit storing a plurality of profiles for each of one or more users, the profile relating notification events with notification types,” and so Treyz cannot, as a matter of law, anticipate claim 9. Since claims 10-13 depend directly or indirectly from claim 9 such that those claims should also be allowed over Treyz, reconsideration is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claim 14 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Treyz in view of Wies et al. (USPN 6,125,385). Applicant respectfully traverses the § 103 rejections, as the Examiner has failed to establish a prima facie case of obviousness. In order to establish a prima facie case, the references must show that the cited references teach or suggest each of the

elements of the claimed invention (MPEP § 706.02(j) and 2142-43). With respect to the cited references, all elements of claim 14 are neither taught nor suggested.

As previously described, Treyz does not use or define user profiles as in the present application, and in fact is focused on solving an entirely different problem. Treyz uses a filter to identify retail shopping events the user is to be notified of, and defines a single set of notification behavior settings for said events. Each user has a single shopping list and notification filter, and a plurality of such filters may exist inasmuch that a plurality of users may use the same device. Each event, however, has its own, single mapping to a notification type. What Treyz refers to as a “profile” consists of its filter and a single list of mappings to events, and selection of a “profile” is based purely upon whom the current user is. Treyz stores a calendar of events of which the user can be notified.

In contrast, Wies relates to force feedback being provided to a user of a client computer receiving information, such as a web page, over a network from a server machine. The client machine has a force feedback interface device through which the user experiences physical force feedback. The feedback is correlated to web page objects by a force feedback program running on the client and based on input information from the interface device, web page objects, and the force feedback information. Generic force effects can be provided, which are applied uniformly at the client machine to all web page objects of a particular type as defined by user preferences at the client machine. Force feedback in the form of sounds can be associated with web objects and web events.

The combination of Treyz and Wies simply does not teach or suggest each of the elements of the claimed invention. Neither Treyz nor Wies, alone or in combination, teach or suggest a storing two or more profiles of notification events for each of one or more users in the memory of the small computer device, nor selection of a profile based on the user’s present environment, nor modulating notification aggressiveness based on said environment as defined by the profile. Further, neither Treyz nor Wies, alone or in combination, teach or suggest profiles including one or more assignments of a particular sound file to a particular event, as recited in claim 14. Examiner concedes that “Treyz does not specifically mention about one or more assignments of a particular sound file to a particular event.” And while Wies enables sounds to be associated with web objects and events, neither Wies nor Treyz teach or suggest the modification of such associations based on the user’s present environment. Since the combination of Treyz and Wies

does not teach or suggest each of the elements of the claimed invention, reconsideration of the § 103(a) rejection is therefore respectfully requested.

Since the remarks above are believed to distinguish over the applied reference, any remaining arguments supporting the claim rejections are not acquiesced to because they are not addressed herein.

Conclusion

It is believed that no further fees are due with this Response. However, the Commissioner is hereby authorized to charge any deficiencies or credit any overpayment with respect to this patent application to deposit account number 13-2725.

In light of the above remarks and amendments, it is believed that the application is now in condition for allowance, and such action is respectfully requested. Should any additional issues need to be resolved, the Examiner is requested to telephone the undersigned to attempt to resolve those issues.

Dated: _____

11/1/04

27488

PATENT TRADEMARK OFFICE

Respectfully submitted,

T-B Scull

Timothy B. Scull, #42,137
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
303.357.1648